

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Gerd Hofmann et al.	Art Unit :	2833
Serial No. :	10/518,907	Examiner :	Felix O. Figueroa
Filed :	October 21, 2005	Conf. No. :	5392
Title :	BRANCHING DEVICE FOR AN ELECTRIC LINE		

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

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**REPLY BRIEF**

Pursuant to 37 C.F.R. § 41.41, appellant responds to points raised for the first time in the Examiner's Answer mailed on April 28, 2009.

**I. Issues raised with respect to the holding by the recited holding-down clamp**

Appellants' Supplemental Brief noted that Embo fails to describe or suggest the holding of the holding-down clamp which is recited in conjunction with a through-channel for the uninterrupted passage of a wire: "a through-channel for the uninterrupted passage of the wire, and at least one holding-down clamp which holds the wires in the through-channel." *See* Supplemental Brief, page 5, bottom paragraph.

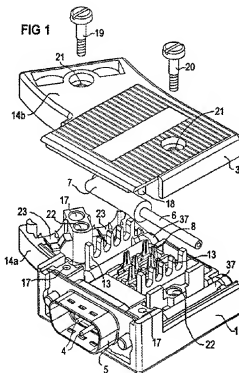
The Examiner's Answer responds by noting the rejection's reliance upon the recited combination of the guides 13 and the plug body 5 of Embo as allegedly disclosing the holding-down clamp. This point explicitly states that it is the *combination* of guides 13 and the plug body 5 being cited:

In response to Appellant's argument... please note that one cannot show the limitations are not shown by Embo by attacking elements 5 and 13 individually where the rejection is based on the combination of elements 5 and 13. In this case, Embo discloses the at least one wire terminal further includes ... at least one holding-down clamp (defined by 13 and 5) which holds the wires in the through channel (between two 13s) of the wire terminal and which is inserted in the housing...

*See* Examiner's Answer, page 9, bottom paragraph.

The plug body 5 and the guides 13 of Embo, however, do not hold a wire in a through channel and, as such, cannot describe or suggest the recited holding-down clamp. The Examiner's Answer contends that the recited through-channel (which allows for "uninterrupted

passage of the wire”) is shown by the space between the guides 13 of Embo. Specifically, the Examiner’s Answer states that the through channel is “between two 13s.” See Examiner’s Answer, page 9, bottom paragraph. This space between the two guides 13 accommodates a portion of a wire and can be seen in Embo’s Fig. 1, below.



As shown in Fig. 1 of Embo, the plug body 5 in no way effects a holding of a wire within the space between the guides 13. In fact, the plug body 5 of Embo is used in a portion of the device separate from the wire, as per Embo’s purpose of creating an electrical connection beyond the wire. The absence of the plug body 5 of Embo would not alter the extent to which a wire is held in the space between guides 13. Therefore, the plug body 5, either alone or in conjunction with the guides 13 cannot properly be considered as the recited holding-down clamp *which holds the wires in the through-channel of the wire terminal*.

This irrelevance of the plug body 5 to any holding of a wire within the space between the guides 13 of Embo is further illustrated by the Examiner’s Answer’s separate reference to

clamping created by the guides 13 with the reinforcing ribs 16 of Embo, which are structures on the upper housing 14b. Specifically, the Examiner's Answer states:

In response to Appellant's argument... please note that the U shaped bottom portion of 13 helps clamp the conductor in the cutting edges (11), when pressed against the holder (16 on part of housing 3, Fig. 2).

See Examiner's Answer, page 8, bottom paragraph. By citing to the reinforcing ribs 16 of Embo in responding to appellant's explanation of the irrelevance of the plug body 5 in holding the wire, the Examiner's Answer acknowledges the fact that the plug body 5 and the guides 13 of Embo do not describe or suggest the recited holding-down clamp. The rejection of the recited holding-down clamp, however, is not actually based upon the reinforcing ribs 16 of Embo, as additional recited features of the holding-down clamp are clearly not shown by the reinforcing ribs 16. For example, Embo's reinforcing ribs 16 do not include a transverse plate.

Accordingly, these additional points in the Examiner's Answer do not cure Embo and Heng's deficiencies in describing or suggesting the claimed holding of the holding-down clamp.

## II. Issues raised with respect to the transverse plate of the recited holding-down clamp

Appellants' Supplemental Brief also noted that Embo fails to describe or suggest the transverse plate of the holding-down clamp, which is recited in conjunction with a through-channel for the uninterrupted passage of the wire: "the holding-down clamp exhibits a transverse plate that closes off the through-channel and has an opening through which the connecting lug of the wire terminal protrudes." See Supplemental Brief, page 6, bottom paragraph.

The Examiner's Answer responds by again pointing to Embo's plug body 5 and stating "[t]he transverse plate (on 5) closes off the through channel (from the side) and includes an opening for connecting lugs (4) to protrude." See Examiner's Answer, page 9, top full paragraph. Further to this point, the Examiner's Answer states that the plug body 5 closes off the through channel because "without the plate the through channel *will be exposed from the side.*" See Examiner's Answer, page 8, middle paragraph (emphasis added).

The plug body 5 of Embo does not close off the through-channel and, as such, does not describe or suggest the recited transverse plate. As discussed above, the through channel is contended to be the space between the guides 13 of Embo. The plug body 5, however, does not

close off the space between the guides 13. Instead, the side of this space is closed off by the guides 13 themselves. Moreover, the guides 13 are physically located between the plug body 5 and the space between guides 13. Therefore, the plug body 5 is additional structure beyond the guides 13 (which close off the side of this space) which has no function with respect to closing off a through channel. Put simply, the plug body 5 of Embo cannot close off the side of the space contended to be the through channel because this side is already closed off by the guides 13.

The interpretation set forth by the Examiner's Answer would allow any structure outside of the through channel to be considered to additionally close off a part of the through channel, and, therefore, removes meaning from this recited feature. This interpretation also contradicts the specification's usage of "closing off," which is consistent with the ordinary meaning of the term. Specifically, the specification states "[t]he insertion of the holding-down clamp in particular closes the through-channels so that the wires cannot come loose from the through-channels." *See* application, page 3, bottom paragraph. In contrast, the wire in Embo could move in or out of the space between the guides 13 irrespective of the presence of the plug body 5.

Accordingly, these additional points in the Examiner's Answer do not cure Embo and Heng's deficiencies in describing or suggesting the transverse plate of the recited holding-down clamp.

### III. Issues raised with respect to the connecting lug of the recited wire terminal

Appellants' Supplemental Brief further noted that Embo fails to describe or suggest the connecting lug of the wire terminal which protrudes through an opening of the holding-down clamp: "the at least one wire terminal further includes at least one connecting lug.. the holding-down clamp ... has an opening through which the connecting lug of the wire terminal protrudes." *See* Supplemental Brief, page 6, bottom paragraph.

The Examiner's Answer responds by stating "the wire terminal is defined by the combination of 9 and 4." *See* Examiner's Answer, page 10, bottom full paragraph.

The plug contact 4 of Embo, however, does not define and is not a part of a wire terminal and, as such, does not describe or suggest the recited connecting lug of the wire terminal. To the

contrary, the wire 6 (i.e. "conductor") is placed into the housing through troughs 23 and into the guides 13. *See* Embo, Fig. 1 and column 5, lines 49-51. The wire 6 does not encounter the plug body 5. Rather, the plug body 5 includes a plug contact 4 for electrical connections that stem from the wire 6 located at the guides 13. Being apart from the wire 6, neither the plug body 5 nor the plug contact 4 of the plug body 5, defines or is a part of a wire terminal. Therefore, the Examiner's Answer's contention that the bent part 9 and plug contact 4 form a wire terminal is incorrect.

As the plug contact 4 of Embo is not a part of a wire terminal, the plug contact 4 cannot describe or suggest the recited connecting lug of the wire terminal. Accordingly, these additional points in the Examiner's Answer do not cure Embo and Heng's deficiencies in describing or suggesting the connecting lug of the recited wire terminal.

For these reasons, and the reasons stated in the Supplemental Appeal Brief, appellants respectfully submit that the rejections should be reversed.

The Director is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1050. The Director also is hereby authorized to apply any additional fees or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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